

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

JEAN PAUL LAUREN,

Plaintiff,

vs.

MONTANA STATE UNIVERSITY,
JOHN PAXTON, and BRENDA
YORK,

Defendants.

CV 17-62-BU-BMM

ORDER

Plaintiff Jean Lauren (Lauren) filed a Complaint *pro se* on August 24, 2017. (Doc. 2). Lauren’s Complaint, liberally construed, alleged that the Defendants had violated Title II of the Americans with Disabilities Act (ADA), 42 U.S.C. § 12132, by failing to make reasonable accommodations for his disabilities while he was attending Montana State University.

Defendants John Paxton (Paxton) and Brenda York (York) have moved to dismiss the ADA claims against them. (Doc. 21). Paxton and York argue that they are “not proper defendants to [a] claim under Title II of the ADA.” (Doc. 21 at 2).

United States Magistrate Judge Jeremiah Lynch entered his Findings and

Recommendations in this case on January 29, 2018. (Doc. 26). Judge Lynch informed Lauren that his ADA claims against Paxton and York were defective because Title II of “the ADA does not impose individual liability against a state official in his or her individual capacity. (Doc. 26 at 2). Judge Lynch recommended that Lauren’s ADA claims against Paxton and York be dismissed. (Doc. 26 at 3). Judge Lynch gave Lauren an opportunity to file an Amended Complaint to restate his claims against Paxton and York. (Doc. 26 at 3).

Lauren filed an Amended Complaint on February 22, 2018. (Doc. 27). Lauren’s Amended Complaint contains no claims against Paxton and York under the ADA. Lauren asserts claims against Paxton and York for defamation, libel and slander only. Lauren’s filing of the Amended Complaint renders Defendants’ Motion to Dismiss moot.

Accordingly, IT IS ORDERED:

Defendants’ Motion to Dismiss (Doc. 21) is DENIED as moot.

DATED this 12th day of March, 2018.



Brian Morris
United States District Court Judge